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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,636	02/11/2002	Ben Avison	BAI525-470/01651	4543
24118	7590	03/21/2008		
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			EXAMINER SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2623	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/073,636	Applicant(s) AVISON, BEN	
	Examiner ANNAN Q. SHANG	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/14/08 has been entered.

Claim Objections

2. Claims 1 and 11 are objected to because of the following informalities: In claim 1, line 13+ and claim 11, line 9+; the respective claim limitations "...substantially accommodate data for no more than a single I frame..." and "...substantially no more than the size of the single largest frame..." are objected to. It appears from Applicant's disclosure that I frame data includes tolerance data which implies that the data stored in the buffer is greater than I frame data. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Zdepski et al (6,45,738)** in view of **DuLac (5,899,582)**.

As to claim 1, note the **Zdepski** reference figures 1-2, discloses system and method for creating trick play video streams from a compressed normal play video bitstream and further discloses a method for generating and processing data for the display of a stream of video data on a display screen connected to data processing apparatus, the method comprising the steps of:

Processing a motion picture expert group compliant data stream of video data selected to be view by a user in a first format (normal play) via the apparatus 60, the largest frames of the video data known as I frames (col.6, line 34-col.7, line 3 and lines 20-29);

Generating an altered format for the video data (col.7, lines 30-54 and col.8, lines 14-42);

A user selecting with selection means (fig.1) to select to view the video data in the altered format (trick play, fast forward or rewind); and following the user selection of the alternated format identifying the required level of data to be held in a buffer memory (Memory Stack) in the apparatus prior to decoding a first frame of the video data for the alternative format, setting the required buffer memory size at a level so as to substantially accommodate data for I-frame(s) and displaying of the first frame of data for fast forward or fast cue display (figs.4-6, col.8, line 33-col.9, line 13, col.10, line 14-col.11, line 45, line 48-col.12, line 1+).

Zdepski is silent as to setting the required buffer size at a level so as to substantially accommodate data for no more than a single I frame.

However, **DuLac** discloses digital video disk storage system and further discloses that frame buffer size ranges from a few kilobytes to a few megabytes depending on the sophistication of the subscriber's display controller.

Hence it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of DuLac into the system of Zdepski to set the buffer to accommodate data for no more than a single I frame depending on the sophistication of the display controller to thereby smooth the data stream transfer and remove jitter from the data for display.

As to claim 2, Zdepski further discloses where the determined buffer memory size is used in identify a value of the separation of the encoded frames in the video data bitstream and this value is used as a substitute for various header field values of the MPEG data stream which may be unavailable (col.10, line 14-col.11, line 45, line 48-col.12, line 1+).

Claim 3 is met as previously discussed with respect to claim 1.

As to claim 5, Zdepski further discloses wherein the required buffer memory data level is set at a value to minimize delay in the transition between the generation of video from the normal and altered video formats (col.7, lines 13-41, col.8, lines 1-62 and col.9, line 15-col.10, line 1+).

As to claim 6, Zdepski discloses where the level of the buffer memory data estimated by reference to time stamp data transmitted as part of the video data (col.7, lines 13-41 and col.10, line 14-58).

As to claim 7, Zdepski further discloses wherein the time stamp data is carried as part of the systems layer and allows data in the other levels to be time synchronized by referring to and retrieving a common reference time from said time stamp data (col.7, lines 13-41 and col.10, line 14-58).

As to claim 8, Zdepski discloses the use of the time stamp data to estimate the size of the I-frame data and hence the required video buffer memory data level (col.7, lines 13-41 and col.10, line 14-58).

As to claim 9, Zdepski discloses where the video data, having been transmitted from a location remote to the apparatus is received by the apparatus (col.6, lines 33-45 and col.7, lines 13-29).

As to claim 10, Zdepski further discloses where the apparatus is a broadcast data receiver connected to receive data from a broadcaster (col.6, lines 33-45 and col.7, lines 13-29).

As to claim 11, the claimed "A method of generating a video display in a first standard motion picture expert group format and a second user selectable fast forward or fast cue format, the method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 12 is met as previously discussed with respect to claim 6.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3 and 5-12 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed above. **This office action is non-final.**

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schuster et al (6,175,871) discloses method and apparatus for real time communication over packet networks.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/
Primary Examiner, Art Unit 2623

Annan Q. Shang